III. REMARKS

In the Office Action, Claims 1-3, 7-12, and 14-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Tuomela (US Pat. Applic. Pub. 2001/0031633), claim 13 was rejected under 35 U.S.C. 103 as being unpatentable over Tuomela, and claims 4-6 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela in view of Silverman (US 6,035,031) for reasons set forth in the Office Action.

The independent claims 1, 4, 9, 14 and 16 have been amended to distinguish the present invention from the teachings of the cited art, considered individually or in combination, by emphasizing a feature of the invention. The following argument is presented to show that the amended independent claims, as well as their respective dependent claims, are distinguishable from the teachings of the cited art, considered individually and in combination, to present allowable subject matter in the claims.

The foregoing amendment emphasizes that a check is made from the activity log, thereby to clarify the point made by the examiner (Page 2 of the Office Action) that claim 1 fails to disclose a checking of information from the activity log. Similar amendatory language appears in each of the claims 1, 9, 14 and 16, while in claim 4, the amendatory language recites that the presenting of possible options of action is based on the activity status data of the log.

With respect to the teaching of the cited art, the teaching of Tuomela can be distinguished from the teachings of the present specification. In Tuomela the caller can get the context information of the receiving party only after an unanswered call (paragraphs 0008, 0009, 0019, 0020 and 0022). In the present specification, the first action of the calling party is to check the context information from the activity log of the receiving party before any real connection establishment steps (page 3 lines 17-19 and page 6 lines 18-27). In this respect, it is noted that claim 1 recites that the making of

the check from the activity log is done before an attempt to establish the communications connection with the receiving party (next to the last paragraph).

Similarly, in claim 4, it is stated that (first paragraph after the preamble) before an attempt to establish the communications connection proper with the receiving party, there is a making of a check for the calling party concerning the ability of the receiving party to receive the message sent by the calling party. The amendment to claim 4 finds support in the specification on page 3 at lines 19-26.

It is requested that the examiner reconsider the argument of the previous response in view of the presently amended claims.

It is urged that the foregoing amendment and argument has overcome the grounds of rejection so as to provide for allowable subject matter in the claims. It is believed that the foregoing amendments deal with subject matter already considered in the prosecution of these claims, so that no new issues are raised by this response after the Final Rejection.
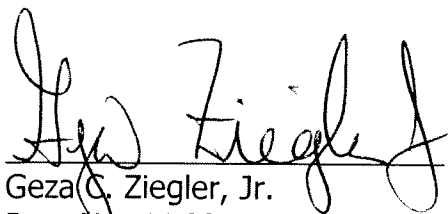
For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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Lisa Shimizu
Person Making Deposit